

REMARKS

Reconsideration and withdrawal of the rejections and objections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, and the remarks that follow as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 38-82 are pending. Claims 1-37 have been canceled and claims 38-82 are newly added, without prejudice. No new matter is added by these amendments. Support for the recitations in the claims is found throughout the specification and from the canceled claims.

The Examiner objected to the specification. Specifically, the Examiner indicated that the abstract appears to contain a typographical error. The abstract has been amended herein to correct for any typographical errors. Applicants therefore respectfully request that the objection to the specification be withdrawn.

The Examiner objected to the drawings. The drawings have been amended. Applicants, therefore, respectfully request that the objection to the drawings be withdrawn.

Claims 1, 2, 4 and 9 were objected to because of informalities. The amendments to the claims render the objection moot. Consequently, reconsideration and withdrawal of the objection is respectfully requested.

Claims 8, 11, 14, 15, 18-22 and 29-37 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The amendments to the claims render the rejection moot. Consequently, reconsideration and withdrawal of the Section 112, second paragraph, rejection is respectfully requested.

Claims 1-9, 15, 17-21, 23, 24, 26-33 and 35-37 were rejected under 35 U.S.C. 102(e) allegedly as being anticipated by Logan (U.S. Patent No. 6,510,402).

Claims 10-14 and 16 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Logan as applied to claim 1, and further in view of Martin ("Principles of Object-Oriented Analysis and Design").

Claim 22 was rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Logan as applied to claim 1, and further in view of Sun Microsystems ("JDBC Guide: Getting Started").

Claim 25 was rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Logan as applied to claim 1, and further in view of Kayashima et al. (U.S. Patent No. 5,919,258).

Claim 34 was rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Logan.

The 35 U.S.C. §§102 and 103 rejections are collectively addressed and are respectfully traversed. Although Applicants disagree with the Examiner's allegations, the amendments to the claims render the rejections moot.

Further, the documents cited by the Examiner fail to teach, enable, suggest or motivate a skilled artisan to practice claims 38-82. For example, the instant invention stores information about a target application in a data storage device. Typically, the information is "meta-information." Based on this meta-information, Applicants invention produces a test scenario.

Notwithstanding the Examiner's interpretation of Logan, Logan does not use meta-information nor does it produce a test scenario based on meta-information.

None of the secondary documents remedy the deficiencies of Logan. Indeed, none of the documents cited by the Examiner, either alone or in combination, teaches or suggests, for example, testing each object, even if the target application has several objects.

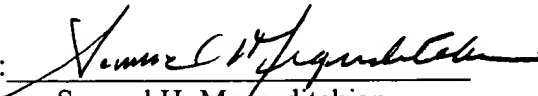
The Examiner is respectfully reminded that "obvious to try" is not the standard by which an obviousness rejection should be based. *See In re Fine*. And as "obvious to try" would be the only standard that would lend the Section 103 rejection any viability, the rejection must fail as a matter of law. Therefore, against this background, the rejection is fatally defective and should be removed.

Consequently, reconsideration and withdrawal of the Section 102 and 103 rejections are respectfully requested.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited documents, it is requested that the Examiner indicate where in the reference or references, is there a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant(s)

By: 
Samuel H. Megerditchian
Reg. No. 45,678
(212) 588-0800



REPLACEMENT SHEET

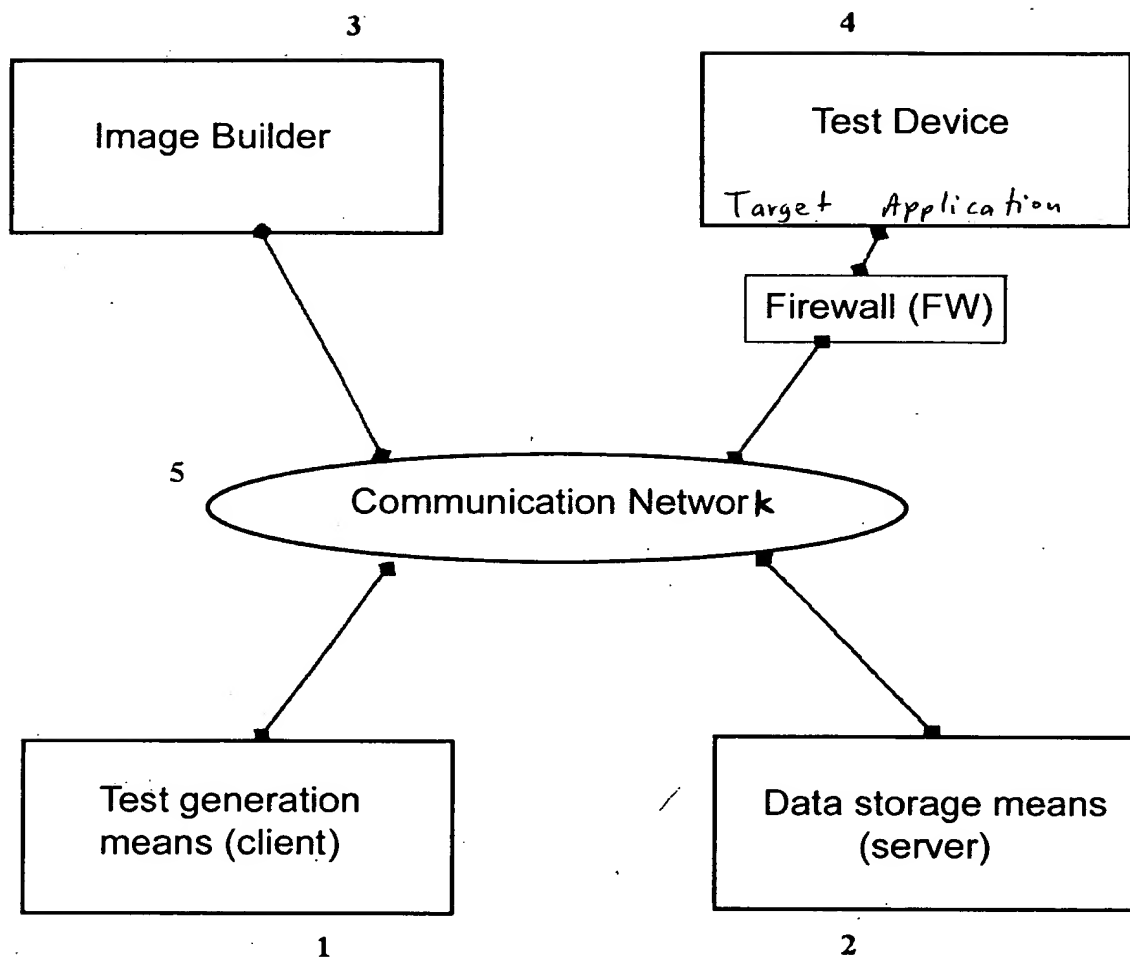


Figure 1

REPLACEMENT SHEET

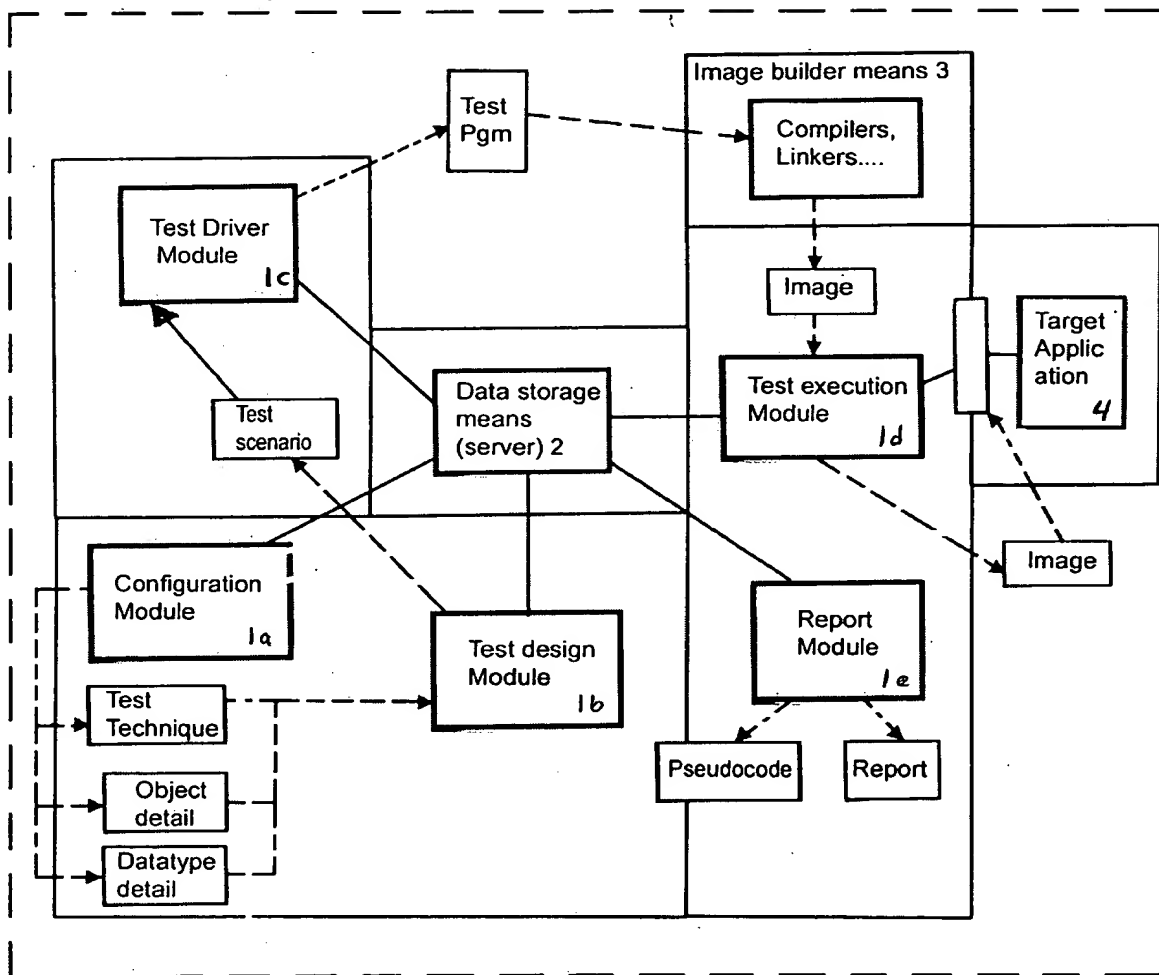


Figure 2

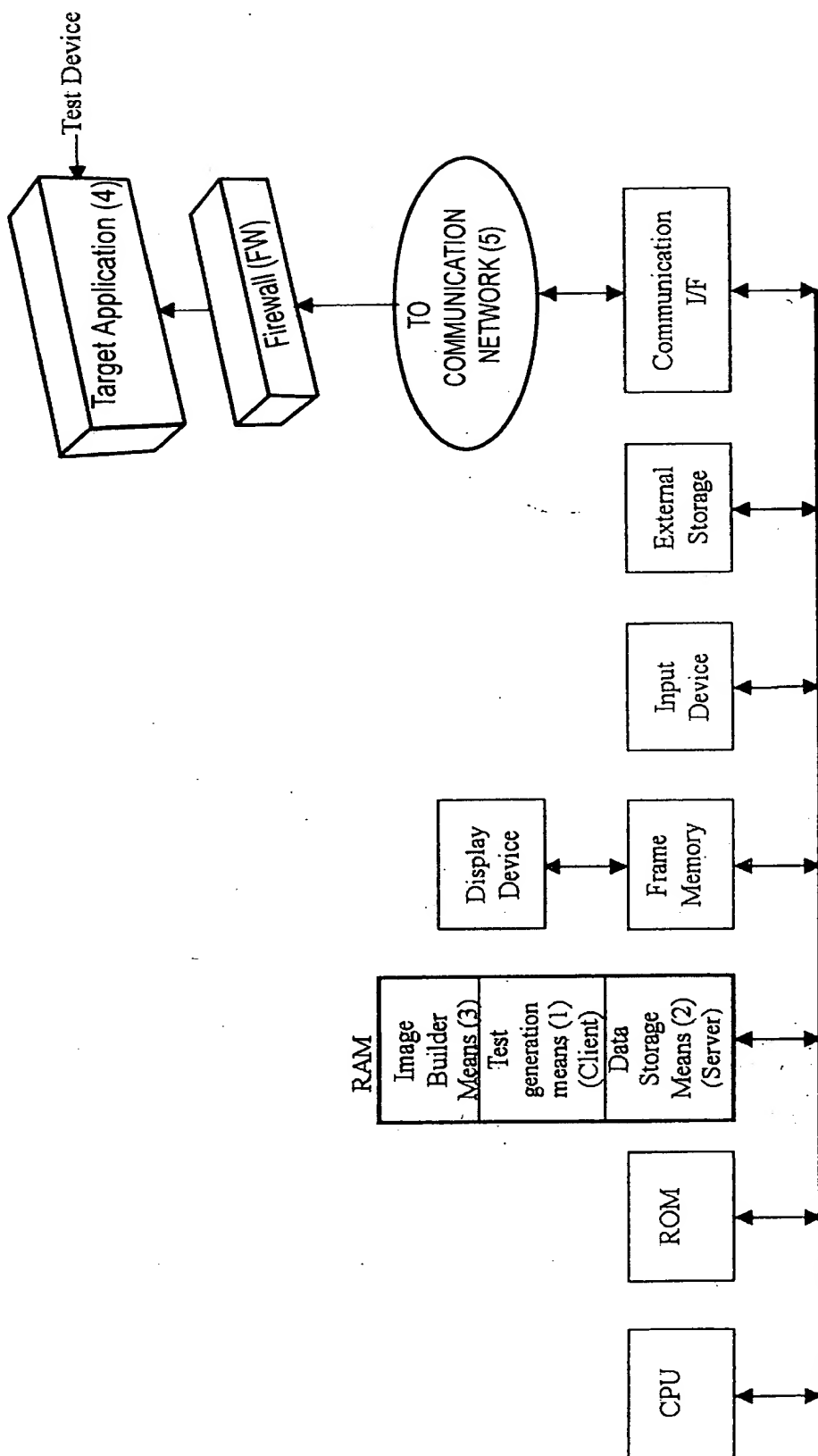


Figure 3

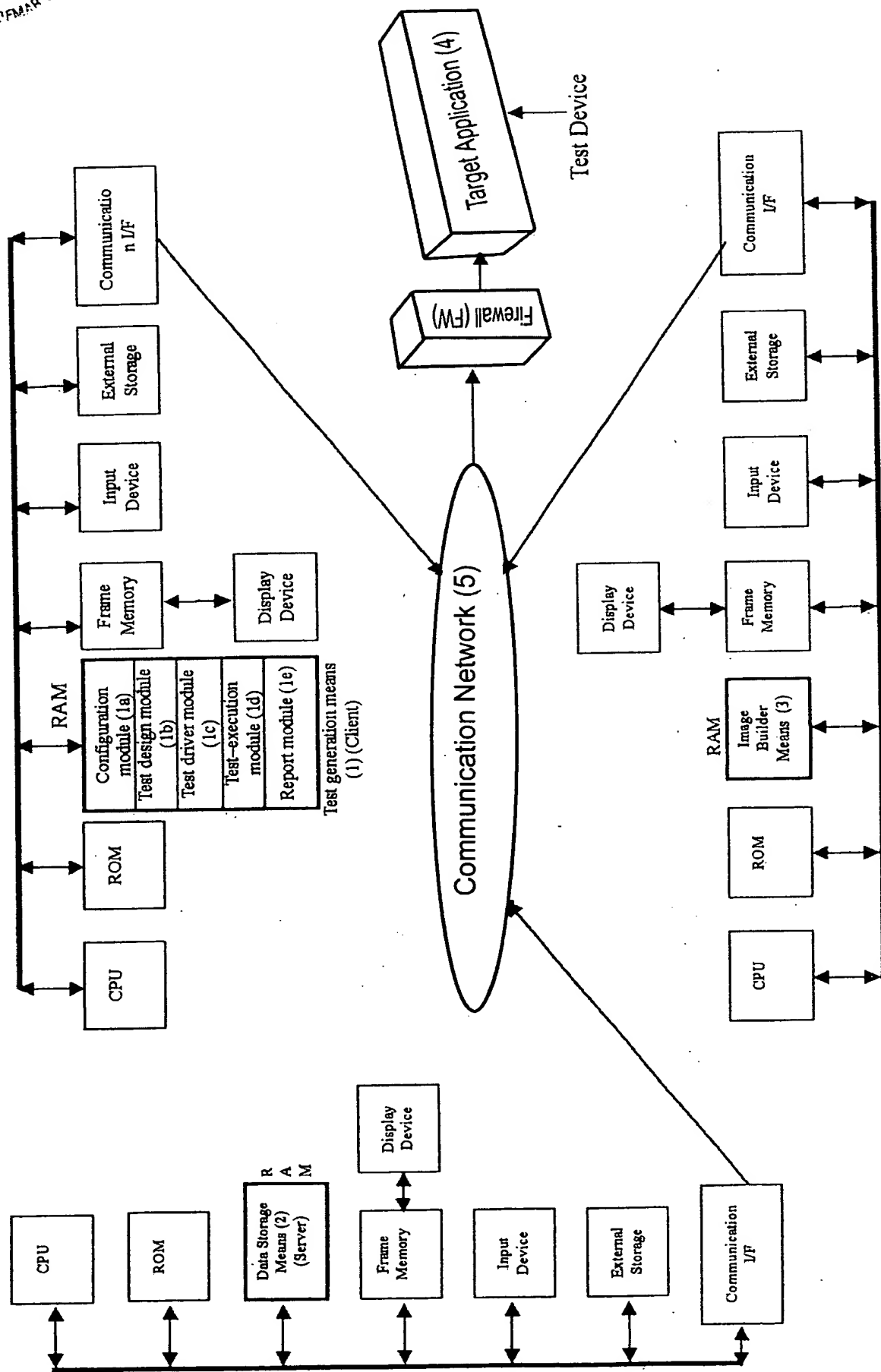


Figure 4

REPLACEMENT SHEET

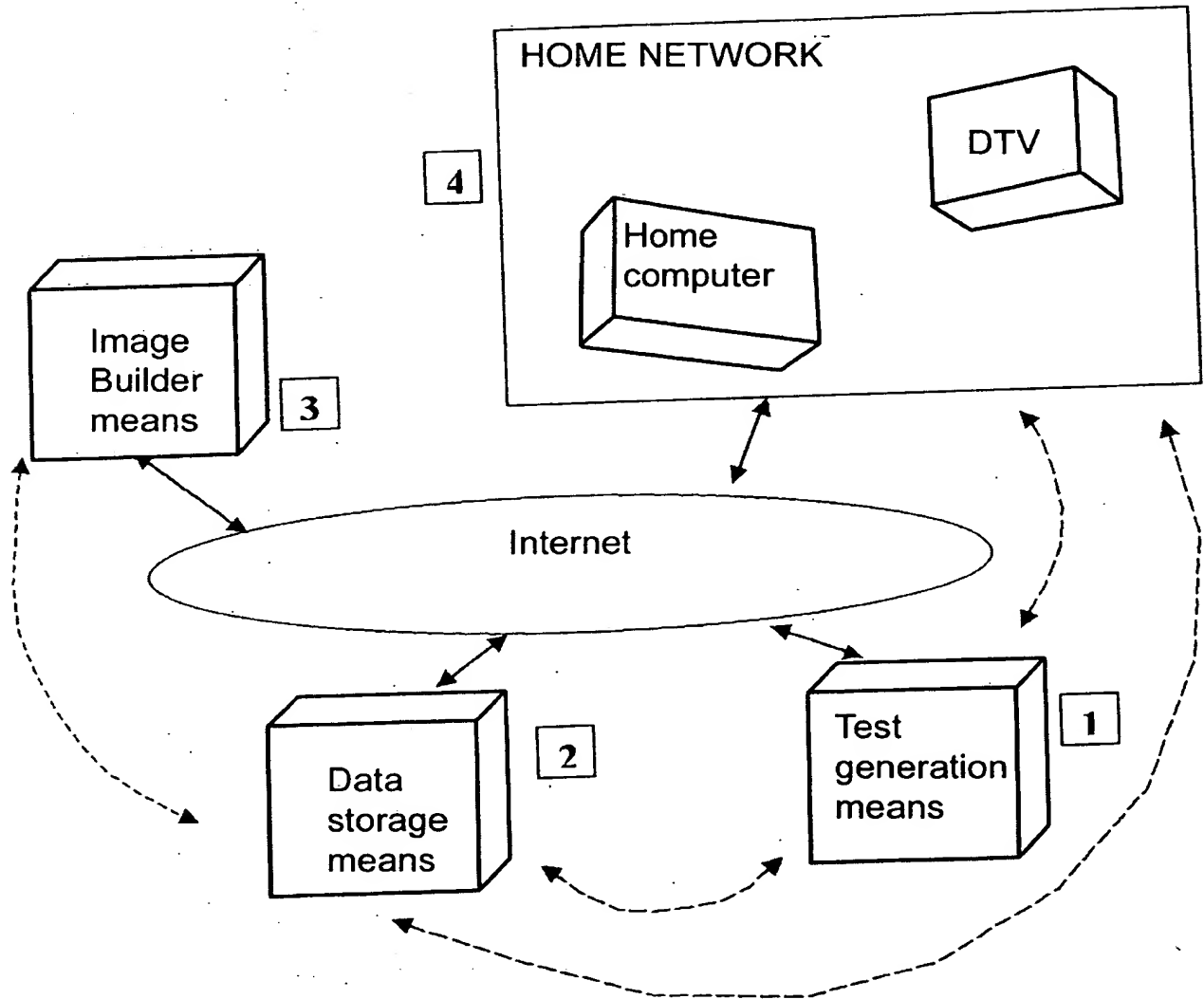


Figure 7